



Kingsburg Planning Commission

1401 Draper Street, Kingsburg, CA 93631

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Chairperson
DR. PAUL KRUPER

Vice Chairperson
DR. JASON ROUNTREE

COMMISSIONERS
JEREMY KINNEY
TROY COZBEY
BRUCE BLAYNEY
CJ BROCK
BEN CARLSON

Planning & Development Director
GREGORY COLLINS

Secretary
MARY COLBY

AGENDA
KINGSBURG PLANNING COMMISSION
OCTOBER 10, 2019
6:00 P.M.
KINGSBURG CITY COUNCIL CHAMBER
1401 DRAPER STREET

1. **Call to order - Reminder for all Commissioners and Staff to speak clearly and loudly into the microphones to ensure that a quality recording is made of tonight's meeting. We ask that all those attending this meeting please turn off pagers and wireless phones.**

NEXT RESOLUTION 2019-10

2. **APPROVAL** of the September 12, 2019 minutes as mailed or corrected.
3. **PUBLIC COMMENTS** - Any person may directly address the Commission at this time on any item on the agenda, or on any item that is within the subject matter jurisdiction of the Commission. A maximum of five minutes is allowed for each speaker.
4. **PUBLIC HEARING – TO REVIEW PROTEST LETTER RECEIVED FOR HO-2019-20 FOR A PROPOSED AIR BnB LOCATED AT 1900 SIERRA STREET, HANSON BnB.**
 - A. Open Public Hearing scheduled for 6:00 P.M.
 - B. Presentation by Consulting Planning Director Greg Collins.
 - C. Commission Discussion
 - D. Open for Public Comment
 - E. Close Public Comment
 - F. Continued Commission Discussion
 - G. Close Public Hearing
 - H. Possible Actions:
 1. Adopt/Deny/Modify Resolution
5. **FUTURE ITEMS**
6. **ADJOURN**

**KINGSBURG PLANNING COMMISSION
SEPTEMBER 12, 2019
REGULAR MEETING**

CALL TO ORDER – At 6:01PM the Kingsburg Planning Commission meeting was called to order.

COMMISSIONERS PRESENT – Kinney, Carlson, Rountree, Brock, Cozbey and Kruper

COMMISSIONERS ABSENT - Blayney

STAFF PRESENT – Planning Director Greg Collins and Planning Secretary Mary Colby

OTHERS PRESENT – Mr. and Mrs. Nuanes, Abe Wiebe, Mr. James Jackson, Cathy Critchley, Lisa Beck, Cheri Bertelsen, Bill Sihota and Desiree Woodworth

APPROVAL – Commissioner Rountree made a motion, seconded by Commissioner Brock to approve the minutes of the August 8, 2019 meeting as presented. The motion carried by unanimous vote of those Commissioners present.

PUBLIC COMMENTS –

Jim Jackson a local business owner stated that he has concerns over people jaywalking on downtown Draper Street. He sees it constantly and would like to have the city consider installing a sidewalk at the alley between California and Marion Street.

REQUEST FOR 1 YEAR EXTENSION FROM DALE G. MELL & ASSOCIATES FOR TENTATIVE TRACT NO. 5073 – AKS ENTERPRISES LOCATED ON KAMM AVENUE

Planning Director Greg Collins stated that this is a routine request. A letter was submitted by the Engineer for AKS Enterprises requesting a 1-year extension to file their final map. He stated that they are close but would like to be sure they have plenty of time to complete their submittal.

No discussion by the Commission.

Commissioner Brock made a motion, seconded by Commissioner Kinney to grant the request for a one-year extension for Tentative Tract Map no. 5073 and adopt resolution 2019-06. The motion carried by unanimous vote of those Commissioners present.

PUBLIC HEARING – PARCEL MAP 2019-01 TO DIVIDE 12.61 ACRES INTO FOUR PARCELS, LOCATED AT 2491 SIMPSON STREET. APPLICANT ABE WIEBE.

Open the Public Hearing at 6:12 P.M.

Planning Director Greg Collins stated that this is a tentative parcel map for the existing Industrial Park on Simpson and Stroud. He described the property and the proposed division which will add more Industrial shop space to the parcels. A site plan for the proposed buildings has already been reviewed in preparation for the division of the land. The applicant has two years to file a final map before it would expire.

Open for Public Comment at 6:17

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No public comment

Close Public Comment at 6:18

Continued Commission Discussion - No further discussion by the Commissioners

Close Public Hearing at 6:18

Commissioner Rountree made a motion, seconded by Commissioner Kinney to approve Parcel Map 2019-01 dividing a 12.61-acre lot into four parcels to accommodate development and adopt Resolution 2019-07. The motion carried by unanimous vote of those Commissioners present.

PUBLIC HEARING – CUP 2019-01 STONE PLAZA

Commissioner Brock and Commissioner Carlson recused themselves due to a conflict of interest.

Open the Public Hearing scheduled for 6:21 P.M.

Presentation by Planning Director Greg Collins.

Commission Discussion

Open for Public Comment – 6:26PM

Desiree Woodworth who works downtown stated that she is concerned with the lack of parking in the downtown area. She would like to see additional parking created to accommodate the growing downtown area.

Planning Director Greg Collins explained about the adoption of the Form Based Code for downtown where parking was addressed. But as the downtown becomes more viable parking spaces become premium. The City is looking for ways to add more parking to the downtown area.

Close Public Comment – 6:32

Continued Commission Discussion – No further commission discussion.

Close Public Hearing – 6:35

Commissioner Cozbey made a motion, seconded by Commissioner Kinney to approve CUP 2019-01, allowing the construction of a mixed-use commercial and residential project located at the southeast corner of Draper and California Streets. And adopt Resolution 2019-08 with all conditions of approval. The motion carried by unanimous vote of those Commissioners present.

PUBLIC NOTICE - HO-2019-13 REGARDING PROTEST LETTER RECEIVED ON BERTELSEN AIR BNB

Commissioner Kinney recused himself due to a conflict of interest. Commissioner Brock and Commissioner Carlson returned to the dais.

Open the Public Hearing scheduled for 6:36 P.M.

Planning Director Greg Collins described the adoption of the ordinance approving and regulating Air BnB's. He stated that Home Occupations are a permitted use but since a letter of protest has been received it then is reviewed by the Planning Commission. He stated that there have been no police reports or neighborhood complaints about this Air BnB and it has

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been operating since 2016. Off street parking is adequate and the residence is well maintained. Staff has no findings to deny this home occupation.

Open for Public Comment – 6:38PM

Cathy Critchley, who lives in Satterberg estates asked if the Home Occupation permits remains with the applicant or the property. Planning Director Collins stated that the if the property were to change hands the new owners would have to reapply.

Rene Nuanes, 2080 Stroud, stated that the letter which was received is from her and her husband. It is not referencing the current Air BnB but one that is operating two doors down from their home. Ms. Nuanes stated that they have had issues such as, traffic, parking, scantily clad women, questionable transactions, blocking the driveway and countless strangers roaming in their neighborhood. They have discussed with the homeowners but there has been no progress or agreement coming out of those talks. They are concerned with their safety, their neighborhood, families and property. This is the third Air BnB in their neighborhood, she stated there have been no problems with the one being proposed tonight but have great concerns regarding the one two doors down from their home.

Tim Nuanes, 2080 Stroud the Kinneys are not being good neighbors, this is the first weekend we have not called the police in the last three weeks. They have parties there every week and during the week, but this is not an event center.

Cheri Bertelsen, applicant for Air BnB. Described the quarters she has available for her guests. When she received the letter from the City came down immediately and applied for the Home Occupation permit. Has provided to her guests a binder with the history of Kingsburg and local restaurants that she would promote.

Ms. Bertelsen was asked if she thought any of the items in the ordinance were too ridged. She stated that the 92-day maximum for rental in the ordinance is a little restrictive but will abide by it.

Lisa Beck who lives across from the Bertelsen's, stated that there have been no issues with guests, parking or noise with the Air BnB across the street.

Close Public Comment – 7:04PM

Continued Commission Discussion

Commissioner Kruper, stated this is the first time I've read the ordinance and do have an issue with a couple of items in the ordinance.

The 30-minute response time is restrictive.

No parking on the street is prohibited, this is also unreasonable.

Discussed process to address complaints with Air BnB's.

Close Public Hearing – 7:17PM

Commissioner Rountree made a motion, seconded by Commissioner Cozbey to approve resolution 2019-09 approving Home Occupation Permit 2019-13, permitting a short-term

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rental (Air BnB) at 2012 Erling Way consistent with Ordinance 2019-004.
The motion carried by unanimous vote of those Commissioners present,

FUTURE ITEMS –

ADJOURN – At 7:23PM Commissioner Rountree made a motion, seconded by Commissioner Carlson to adjourn the Kingsburg Planning Commission meeting. The motion carried by unanimous vote of those commissioner's present.

Submitted by

Mary Colby
Planning Secretary



Meeting Date: 10/10/19
Agenda Item: 4

KINGSBURG PLANNING COMMISSION STAFF REPORT

REPORT TO: Kingsburg Planning Commission

MC

REPORT FROM: Greg Collins, Contract City Planner

REVIEWED BY:

AGENDA ITEM: 4

SUBJECT: Home Occupation Permit No. 2019-20 (Hanson) - an application to permit the use of a single bedroom at a residence located at 1900 Sierra Street as an Air BnB unit

ACTION REQUESTED: Ordinance X Resolution Motion Receive/File

EXECUTIVE SUMMARY

The applicant has submitted a Home Occupation Permit (HOP) to permit a short-term rental within a single-family dwelling, which will be available for rent under the Air BnB program. Upon circulating this permit request (properties within 300 feet of the subject site), a single letter was received commenting on the home occupation permit and expressing concern about the use of the property as an Air BnB (see attached).

Under Ordinance No. 2019-004, Air BnB units are a permitted use unless a resident within the immediate neighborhood files a complaint and said complaint documents valid concerns that can be substantiated by city staff, or there is another Air BnB within a half mile of the proposed unit. In the case of HOP 2019-20 there is not an Air BnB within a half-mile of the unit requesting a HOP.

Staff checked with the Kingsburg Police Department to determine if there had been any recorded disturbances at the 1900 Sierra Street location. Staff is not aware of complaints that have been received by the police department regarding this residence.

It has come to staff's attention that the garage has been illegally converted to a living unit. Occupation of this structure can not be authorized because the city does not know if will pass health and safety standards of the Uniform Building Code.

RECOMMENDED ACTION BY PLANNING COMMISSION

Deny Home Occupation Permit 2019-13 for a short-term rental (Air BnB) at 1900 Sierra Street because of the illegal conversion of the garage to a living unit. The applicant shall seek a building permit from the City to bring the garage up to code. Once this garage conversion is brought up to code, the applicant can reapply for a short-term rental.

FINANCIAL INFORMATION

FISCAL IMPACT:

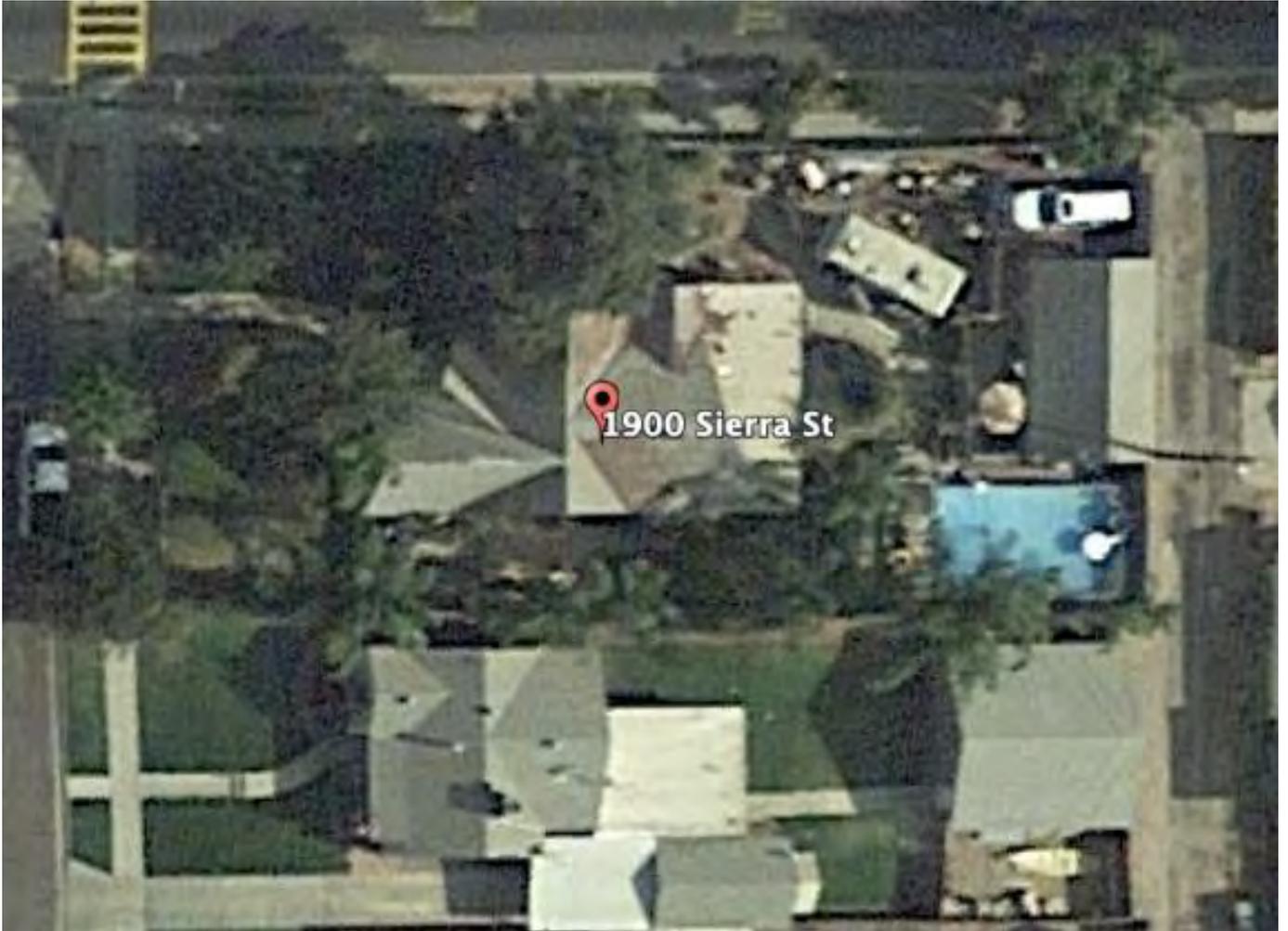
- | | |
|------------------------------|--------|
| 1. Is There A Fiscal Impact? | Yes/No |
| 2. Is it Currently Budgeted? | Yes/No |
| 3. If Budgeted, Which Line? | Yes/No |

BACKGROUND

The applicant is requesting a home occupation permit to allow for a short-term rental (Air BnB) consistent with the rules and regulations contained in Ordinance No. 2019-004 – Short-term rentals as a home occupation.

The owner of a single-family residence at 1900 Sierra Street in Kingsburg, has applied for a home occupation permit to allow for a short-term rental of one of the bedrooms within the dwelling at 1900 Sierra Street.

Generally, this type of home occupation permit is approved by staff unless the city receives a “negative comment” from a resident within 300 feet of the subject property. Such a letter has been received and is attached to this report. The letter received suggests that the proposed use may generate noise and other types of negative activity that could have an adverse impact on the neighborhood.



An aerial view of 1900 Sierra Street.



A view of 1900 Sierra from Sierra Street.

Staff has checked with the police department to determine if any police calls have been received on 1900 Sierra Street. As of this writing, staff is not aware of any such calls, however, a request of the police department regarding this type of call activity has been submitted. Staff will report its findings to the Commission on October 10th.



The home located at 1900 Sierra Street is seeking a Home Occupation Permit (HOP) and is located at the southeast corner of Sierra and 19th.

Site Plan

The proposed building will be located on the southeast corner of Sierra Street and 19th Street, as shown in the aerial photo.

Parking

Ordinance No. 2019-004 requires sufficient off-street parking stalls (on driveway or inside a garage or carport) to accommodate the short-term renter. Parking will be provided off the alley, however, presently the area where the short-term renter would park is occupied by vehicles.

Building Code Requirements

The existing residential dwelling was constructed consistent with the Uniform Building Code; however, an existing garage was converted to a living unit and a building permit was not issued.

Findings

To approve a home occupation permit for a short-term rental the use must comply with operating standards for short-term rentals as outlined in Section 17.56.010 of Chapter 56 of Title 17 of the Kingsburg Municipal Code.

CONCLUSION:

The project has been reviewed by planning staff and staff finds that an illegal garage conversion has occurred on the subject site. Staff cannot recommend approval of Home Occupation Permit 2019-20 until said garage has been brought into building code compliance and that adequate off-street parking can be provided.

ENVIRONMENTAL REVIEW:

Staff has determined the project is exempt from environmental review under the CEQA Guidelines. There is no aspect of the project that may be reasonably expected to have a significant impact on the environment.

ATTACHED INFORMATION

1. Ordinance No. 2019-004
2. Planning Commission Resolution
3. Complaint letter from Kay Cameron

ORDINANCE NO. 2019-004

AN ORDINANCE OF THE CITY OF KINGSBURG AMENDING

**SECTION 17.56.010 C, OF CHAPTER 17.56 OF TITLE 17 OF THE KINGSBURG MUNICIPAL
CODE AND AMENDING SECTION 17.56.010 H AT CHAPTER 17.56 OF TITLE 17 OF THE KINGSBURG
MUNICIPAL CODE REGARDING SHORT-TERM RENTALS AS A HOME OCCUPATION**

The City Council of the City of Kingsburg does ordain as follows:

Section 1. Section 17.56.010 C. is amended to add the following language to the last sentence of the first paragraph of subsection C.: The applicant must sign the form, verifying that the home occupation, if approved, will comply with the standards listed in Subsection B and/or Subsection H of this section. An application for a home occupancy permit for a short-term rental shall identify only one (1) short-term rental property. An applicant shall not operate more than one (1) short-term rental property at any time. An application for a home occupancy permit for a short-term rental located in a single-family residential zone district shall be denied if a home occupancy permit for a short-term rental is in effect for a short-term rental located within a one- half (1/2) mile radius of the short-term rental identified in the application.

Section 2. Section 17.56.010 of Chapter 17.56 of Title 17 of the Kingsburg Municipal Code is hereby amended in its entirety as follows:

Operating standards for short-term rentals.

In addition to all other applicable requirements of this chapter, and notwithstanding any contrary provisions in the Kingsburg Municipal Code ("code"), short-term rentals are subject to the following operational standards:

1. "Definitions. The definitions in this subsection shall govern the construction, meaning, and application of the following words and phrases used in this section:

a. "Local contact person" shall mean a person who resides in the city and is designated by an owner or the owner's agent, who shall be available to respond to notification of a complaint regarding the house, condominium or apartment, and take remedial action necessary, as required under subsection 5 of this subsection H. A local contact person can be the owner if the owner resides in the City. The application for the home occupancy permit for a short-

1 term rental shall identify a local contact person should the owner be unavailable to take remedial action under subsection
2 5 of this subsection H.

3 b. "Occupant" shall mean any person who is on or in a short-term rental property other than service providers
4 or the owner, whether or not the person stays overnight.

5 c. "Owner" shall mean the person(s) or entity(ies) that holds legal or equitable title to a short-term rental.
6 "Owner" does not include a lessee of the short-term rental. The owner shall be responsible for compliance with all of
7 the provisions of this subsection H.

8 d. "Short-term rental" shall mean the rental of a single-family house which is the principal residence of the
9 owner or single-family condominium which is the principal residence of the owner or an apartment which is the
10 principal residence of the owner, excluding apartments located in the city's Central Commercial Zone District, by the
11 owner to another person or group of persons, not to exceed the "Total Occupants" identified in the Paragraph 8 below
12 ("Allowed Group of Persons"), solely for the purpose of lodging and sleeping and for no other purpose, for a period of
13 not less than two (2) consecutive nights but less than thirty (30) consecutive calendar days. The rental of units within
14 City-approved hotels, motels, bed and breakfasts, and time-share projects shall not be considered to be a short-term
15 rental.

16 2. No more than ten (10) home occupancy permits for a short-term rentals shall be in effect at any one
17 time.

18 3. No short-term rental shall be rented for more than ninety-six (96) days during a twelve (12) month
19 permit. The date of issuance of the home occupancy period shall be the first day of the initial twelve (12) month period.
20 On or before the tenth (10th) day of each month, an owner must submit a monthly rental report to the city confirming
21 the number of days the short-term rental was rented during the prior month.

22 4. In single family residential zone districts as identified in the code, short-term rentals must be separated
23 by a minimum of one-half (1/2) mile.

24 5. The owner of a short-term rental shall not be relieved of any personal responsibility or personal
25 liability for noncompliance with any applicable law, rule or regulation pertaining to the use and occupancy of the short-
26 term rental, regardless of whether such noncompliance was committed by the owner's agent, a local contact person or
27 the occupants of the owner's short-term rental.

28 6. The owner shall ensure that the short-term rental comply with all applicable codes regarding fire,
building and safety, health and safety, and all other relevant laws, regulations and ordinances, obtain all permits
required, including, without limitation, a home occupation permit issued in accordance with the provisions of this
section, and pay all applicable fees.

1 7. While a short-term rental is rented, the owner or local contact person shall be available by telephone
2 twenty-four (24) hours per day, seven (7) days per week to respond to complaints regarding the use, condition,
3 operation or conduct of occupants of a short-term rental. The owner or local contact person must be on the premises of
4 the short-term rental at the request of a code enforcement officer or the City's Police Department within thirty (30)
5 minutes after contact to satisfactorily correct or take remedial action necessary to resolve any complaint, alleged
6 nuisance or violation of this chapter or the code by occupants occurring at the short-term rental. Failure of the owner
7 or a local contact person to respond to calls or complaints in a timely and appropriate manner as required by this Section
8 17.56.010 H. shall be grounds for revocation of the home occupation permit for the short-term rental.

9 8. Within ten (10) calendar days following the issuance of a home occupation permit for a short-term
10 rental, the owner shall mail or personally deliver in writing ("Short Term Rental Notice") the following information to
11 the owners and occupants of properties within three hundred (300) feet in each direction, from the property line of the
12 short-term rental as determined by the City: the name and telephone number of the owner or the local contact person,
13 who shall be available twenty-four (24) hours per day, seven (7) days per week to respond to complaints regarding the
14 use, condition, operation or conduct of occupants of a short-term rental. Thereafter, within thirty (30) days following
15 the issuance of the home occupation permit, the owner shall sign under penalty of perjury, and submit to the City Clerk
16 a dated written certification that the required mailing or delivery was completed. At any time during the pendency of
17 a home occupation permit for a short-term rental any information in the Short Term Rental Notice changes, the owner
18 shall, within ten (10) calendar days following the change in information, mail or personally deliver in writing the
19 updated Short-Term Rental Notice setting forth the new information to maintain accuracy and shall also promptly
20 submit to the City Clerk a signed (under penalty of perjury) and dated written certification that the required mailing or
21 delivery of the updated Short Term Rental Notice was completed.

22 9. Short-term rentals shall be used solely for overnight lodging accommodations. At no time shall a
23 short-term rental be used for activities in excess of the occupancy limits established in subsection 8 of this subsection
24 H, or for weddings, receptions, parties, commercial functions, conferences, or other similar assemblies that are
25 separate from the solely purpose of lodging.

26 10. All advertising appearing in any written publication or on any website that promotes the availability
27 or existence of a short-term rental shall include the City-issued home occupation permit number as part of the rental
28 offering. No person shall advertise the use as a short-term rental unless the City has approved a home occupation
permit for short-term rental in accordance with this section.

 11. The owner shall limit occupancy of a short-term rental to a specific number of occupants. The
following table sets forth the maximum number of occupants for all short-term rentals:

Number of Bedrooms	Total Occupants
0-Studio	2
1	4
2	7
3	9
4	10

If the home occupation permit for a short-term rental limits occupancy of the short-term rental to a number less than that shown on the table, the limit set forth in the home occupation permit shall control.

12. Only the habitable interior portions of the short-term rental shall be utilized as a short-term rental. No garages, tents, camper trailers, recreational vehicles, or other exterior structures or spaces shall be used as short-term rentals.

13. In any advertising concerning the availability of a short-term rental, the owner or a local contact person shall advertise the maximum number of occupants allowed to occupy the short-term rental.

14. All vehicles of occupants of a short-term rental single family house or condominium shall be parked only in an approved driveway or garage on the short-term rental single family house or condominium. The maximum number of vehicles allowed for a short-term rental single family house or condominium shall be limited to the number of available off-street parking spaces; however, any short-term rental must have a minimum of two (2) off-street parking spaces. The owner shall provide access to the garage of the short-term rental if that area has been included in the determination of the number of available off-street parking spaces pursuant to this subsection. In no event shall off-street parking include the use of landscaped areas, any private or public sidewalk, parkway, walkway or alley (or any portion thereof) located on, at or adjacent to the short-term rental or the blocking of the driveway or street in front of the short-term rental. The term "sidewalk" shall include that portion of a driveway that is delineated for pedestrian travel or is in the public right-of-way.

15. No on-site exterior signs shall be posted advertising the availability of a short-term rental at the short-term rental property.

1 16. If the code enforcement officer or police department has received a complaint concerning a suspected
2 violation of this subsection or of the code or any applicable law, rule, or regulation pertaining to the use or occupancy
3 of a short-term rental, or if the code enforcement officer or police department has reason to believe that such a violation
4 has occurred, the code enforcement officer or the police department shall notify the owner or the local contact person of
5 the complaint or suspected violation and the notified person shall cooperate in facilitating the investigation and the
6 correction of the suspected violation. Failure of the owner or the local contact person to affirmatively respond to the
7 officer's request within thirty (30) minutes and reasonably cooperating in facilitating the investigation and the correction
8 of the suspected violation shall be deemed to be a violation of this subsection and the home occupancy permit.
9 Notwithstanding the foregoing, it is not intended that an owner or the local contact person act as a peace officer or place
himself or herself in an at-risk situation.

10 17. No musical instrument, phonograph, loudspeaker, amplified or reproduced sound, or any machine or
11 device for the production or reproduction of any sound shall be used outside or be audible from the outside of a short-
12 term rental between the hours of 10:00 p.m. and 9:00 a.m.

13 18. Occupants shall not engage in outdoor activities on a short-term rental between the hours of 10:00
14 p.m. and 9:00 a.m. The hours between 10:00 p.m. and 9:00 a.m. are considered to be "quiet time," where all activities
15 at a short-term rental shall be conducted inside of a short-term rental so that no outdoor activity will disturb the peace
16 and quiet of the neighborhood adjacent to a short-term rental or cause discomfort or annoyance to any reasonable
17 person of normal sensitivity residing in the area.

18 19. Trash and refuse shall not be left stored within public view, except in proper containers for the purpose
19 of collection by the responsible trash hauler, in accordance with the City requirements. The owner of a short-term rental
20 shall provide sufficient trash collection containers and service to meet the demand of the occupants. The short-term
21 rental shall be free of debris both on site and in the adjacent portion of the street.

22 20. It is unlawful for any owner, occupant, renter, person present upon, or person having charge or
23 possession of a short-term rental to make or continue or cause to be made or continued any loud, unnecessary or unusual
24 noise which disturbs the peace and quiet of any neighborhood or which causes discomfort or annoyance to any
25 reasonable person of normal sensitivity residing in the area, or violates any other applicable provision of this code.

26 21. The owner or the local contact person shall ensure that the occupants of a short-term rental do not
27 create unreasonable noise or disturbances, engage in disorderly conduct, or violate provisions of this code or any State
28 law pertaining to noise, disorderly conduct, overcrowding, the consumption of alcohol, or the use of illegal drugs.
Owners or local contact persons are expected to take all measures necessary to abate disturbances, including, but not
limited to, directing the occupants of a short-term rental to cease the disturbing conduct, calling for law enforcement

1 services or enforcement officers, removing the occupant(s), or taking any other action necessary to immediately abate
2 the disturbance.

3 22. The owner shall post a sign at a conspicuous location within the short-term rental advising occupants
4 of all rules and operational standards imposed upon occupants under this subsection. The sign shall also include the
5 telephone numbers for the City of Kingsburg, the Kingsburg Police Department and the Kingsburg Fire Department.

6 23. All short-term rentals shall be subject to the City's transient occupancy tax, as required by Title 3,
7 Chapter 3.16 of the code. For the purposes of this subsection, the definitions in Section 3.16.020 of Title 3 of Chapter
8 3.16 of the code shall include the following: (i) the definition of "Hotel" shall include short-term rental; (ii) the
9 definition of "Occupancy" shall include the renting of a short-term rental; (iii) the definition of "Operator" shall include
10 the owner of a short-term rental; (iv) the definition of "Rent" shall include the rent paid by the occupant of a short-
11 term rental; and (v) the definition of a "Transient" shall include an occupant of a short-term rental. The owner shall
12 also maintain at all times a valid Kingsburg business license. All transient occupancy tax statements shall be addressed
13 to the owner and the local contact person.

14 24. A short-term rental shall not exceed one short-term rental per short-term rental.

15 25. Upon the violation of any provision of this Section 17.56.010 H, the City's code enforcement officer
16 shall issue an administrative citation, and serve the same in accordance with the provision of Subsection 24 on the owner
17 and the local contact person identified on the application for the home occupation permit for the short-term rental. The
18 administrative citation shall contain the following:

19 a. The street address of the short-term rental;

20 b. A statement that the code enforcement officer has determined that a violation of Section
21 17.56.010 H has occurred and a brief description of the conditions that render the short-term rental or the use thereof
22 in violation of Section 107.56.010 H;

23 c. A statement to require the owner or the local contact person to correct the violation within
24 the time period identified in the administrative citation which time period shall not exceed ten (10) days after the date
25 of service of the administrative citation, unless the code enforcement officer identifies a longer period of time on the
26 administrative citation;

27 d. Amount of fine imposed for the violation(s);

28 e. Explanation of how the fine shall be paid and the consequences of failure to pay the fine;

f. A statement advising the owner or local contact person that they may appeal the issuance of
the administrative citation in accordance with subsection 27.

1 g. Signature of the code enforcement officer and the signature of the owner or the local contact
2 person. If the owner or the local contact person refuses or does not sign the administrative citation, the lack of such
3 signatures shall in no way affect the validity of the administrative citation and subsequent proceedings;

4 h. The issuance to two (2) administrative citations to an owner or local contact person, (subject
5 to the owner's right to appeal pursuant to subsection 27), shall result in the immediate revocation of the home
6 occupancy permit for the short-term rental. Upon such revocation, the owner may not file an application for a home
7 occupancy permit for a short-term rental for a period of one (1) year after the date of the second administrative citation.

8 26. The administrative citation, and any documents related thereto shall be served by one of the following
9 methods:

10 a. Personal service; or

11 b. First class mail, postage prepaid, to the owner and the local contact person at the addresses
12 as it appears on the owner's application for issuance of the home occupation permit for the short-term rental. The
13 addresses shown on the owner's application for issuance of the home occupation permit for the short-term rental shall
14 be conclusively deemed to be the correct addresses for the purpose of service of the administrative citation. Service by
15 mail in the manner described above shall be effective on the date of mailing;

16 c. The failure of the owner or local contact person to receive any administrative citation served
17 in accordance with this subsection shall not affect the validity of any proceedings taken under this Section 17.56.010

18 H.

19 27. Proof of service of the administrative citation shall be documented at the time of service by a
20 declaration under penalty of perjury executed by the person effecting service, declaring the date and manner in which
21 service was made.

22 28. The city council by resolution shall establish the amount of the fine to be assessed for administrative
23 citations issued by the code enforcement officer. The failure of any person to pay a fine assessed by administrative
24 citation within the time specified on the administrative citation constitutes a debt to the city. To enforce that debt, the
25 code enforcement officer may file a claim with the small claims court; impose an assessment lien as set forth in
26 Kingsburg Municipal Code Section 17.92.053; or pursue any other legal remedy to collect the fine.

27 29. Any person receiving an administrative citation may appeal the issuance of the administrative citation
28 to the city council. The notice of appeal must be submitted on an appeal form provided by the City, must specify the
basis for the appeal in detail and must be filed with the code enforcement officer within ten (10) calendar days after

1 the date on the administrative citation. If the deadline falls on a weekend or city holiday, then the deadline shall be
2 extended until the next regular business day.

3 a. If the notice of appeal is filed in accordance with the provisions of this subsection 27, the
4 enforcement of the violations identified in the administrative citation and the requirement to pay any fine shall be
5 stayed until the date that the appeal hearing is held by the city council.

6 b. As soon as practicable after receiving the written notice of appeal, the city clerk shall fix a
7 date, time and place for the hearing. Written notice of the date, time and place for the hearing shall be served at least
8 ten (10) days prior to the date of the hearing to the party appealing the administrative citation by any one of the
9 following means:

10 1. Personal service; or

11 2. First class mail addressed to the owner and the local contact person at the
12 addresses identified on the application of the home occupation permit for the short-term rental. The failure of the
13 owner or local contact person to receive such notice shall not affect the validity of any proceedings taken by the City
14 council. Service by mail in the manner described above shall become effective on the date of mailing.

15 c. Failure of any person to file an appeal in accordance with the provisions of this subsection
16 27 shall constitute waiver of that person's rights to administrative determination of the merits of the administrative
17 citation and the amount of the fine.

18 d. The city council shall conduct an appeal proceeding and accept oral and written evidence
19 regarding the administrative citation in the following manner:

20 1. The code enforcement officer shall present testimony and evidence relating to the
21 violation and the appropriate means of correcting the violation.

22 2. The owner and the local contact person may present testimony or evidence
23 concerning the violation and the means and time frame for correction.

24 e. The city council may sustain, modify or overrule the administrative citation.

25 f. The decision of the city council regarding any appeal is the final administrative order and
26 decision.

27 Section 2. This ordinance shall take effect thirty (30) days after its adoption and shall become operative and in full
28 force on August 16, 2019. Within fifteen (15) days after adoption, a summary of this ordinance shall be published
with the names of the city council members voting for and against the same, once in a local newspaper of general
circulation in the City of Kingsburg, County of Fresno, State of California.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Kingsburg duly called and held on the 17th day of July, 2019, by the following vote:

AYES: Council Member(s): Hurtado, Palomar, Dix, North, and Mayor Roman.

NOES: Council Member(s): None.

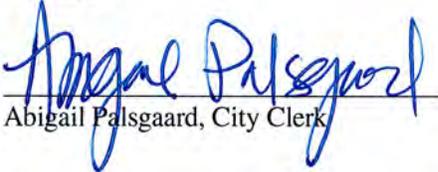
ABSENT: Council Member(s): None.

ABSTAIN: Council Member(s): None.

APPROVED

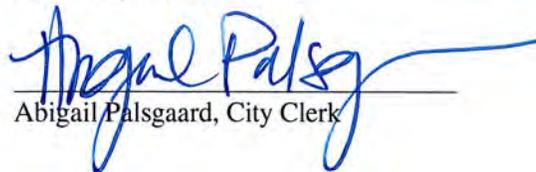
Michelle Roman, Mayor

ATTEST:


Abigail Palsgaard, City Clerk

Date: 7/18/2019

I, ABIGAIL PALSGAARD, City Clerk of the City of Kingsburg do hereby certify that the foregoing Ordinance was introduced at a regular meeting of the Kingsburg City Council held on the 19th day of June, 2019, and was adopted at a regular meeting of said Council held on the 17th day of July, 2019.


Abigail Palsgaard, City Clerk

**PLANNING COMMISSION RESOLUTION 19 -
A RESOLUTION OF THE
KINGSBURG PLANNING COMMISSION
DENYING HOME OCCUPATION PERMIT 2019-19, HANSON**

WHEREAS, the applicant, Hanson, is requesting approval of a home occupation permit for a short-term rental (Air BnB), and

WHEREAS, the subject property is located on the southeast corner of Sierra Street and 19th Street, and

WHEREAS, the subject property is zoned R-1-7 (single-family residential, one unit per 7,000 square feet), and

WHEREAS, home occupation permits are permitted within the R-1-7 district subject to various rules, regulation and operating standards, and

WHEREAS, the city staff has reviewed the proposed home occupation permit for a short-term rental (Air BnB) and has determined that it does not meet the requirements and operating standards of Ordinance No. 2019-004, and the site contains a garage that has been converted to a living unit without a building permit.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission, after considering all the evidence presented, determined the following findings were relevant in evaluating this project:

1. The project is exempt from the California Environmental Quality Act because it is not considered to be a "project" under CEQA.
2. The proposed use is consistent with the Kingsburg General Plan, Land Use Element.
3. The project will not have an adverse impact on the health, safety or welfare of the community or immediate neighborhood.
4. The project does not comply with Ordinance No. 2019-004 because of inadequate off-street parking.
5. The on-site garage has been illegally converted to a living unit and therefore violates certain building code sections.

BE IT FURTHER RESOLVED that the Planning Commission hereby denies Home Occupation Permit 2019-19 based on the finding detailed above.

I, Mary Colby, Secretary to the Planning Commission of the City of Kingsburg, do hereby certify that the foregoing resolution was duly passed and adopted at a regular meeting of the Kingsburg Planning Commission held on the 10th day of October 2019, by the following vote:

Ayes: Commissioners:

Noes: Commissioners:

Absent: Commissioners:

Abstain: Commissioners:

Mary E. Colby
Planning Commission
Secretary City of Kingsburg

September 3,2019

Planning and Development Director,

We share an alley with the Hansons. We are not in favor of them having an Air BNB. They already have allowed people to stay in the many trailers they have had in the back yard. I am not sure it is even licensed to have the trailers parked.

I would also like the entire lot inspected for the proper permits if they are going to have an Air BNB.

Kay Cameron

NOTICE OF PROPOSED HOME OCCUPATION HO-2019-20

1900 Sierra Street, Kingsburg – Kathy Hanson Applicant “Hanson Air BnB”

NOTICE IS HEREBY GIVEN that public comment is being solicited regarding Application HO-2019-01 for a home occupation to be located at 2030 Stroud Avenue, Kingsburg, California. This residence is located on the south side of Sierra Street midway between 19th and 20th Avenue. This notice is being mailed to the owners of all properties within 300 feet of the applicants’ residence; however, any interested person is invited to comment. Feel free to share this notice with anyone who might have an interest in this application.

The applicant, Kathy Hanson, seeks to establish an overnight bed and breakfast at her home called Hanson Air BnB. The applicant will be allowed to use the space inside her home as a short term (less than 30 consecutive days) rental for overnight stays. The accessory buildings on this lot are not permitted for this type of use. The owner of the short-term rental shall advise residents within 300 feet of the short term rental the contact information for the authorized agent who will be available 24-hours per day 7 days a week to respond to complaints regarding the use, condition, operation or conduct of occupants of a short term rental unit.

Review is being conducted under the provisions of the revised Section 17.56.010 of the Zoning Ordinance, which became effective in August 2019. The home occupation can be granted under an administrative review process unless written public comment indicates that a hearing should be held before the Planning Commission. If a Planning Commission hearing is scheduled, another notice will be provided to neighbors and published in the Public Notices section of The Kingsburg Recorder.

Any comment about this proposal should be directed to the attention of the Planning and Development Director and delivered or mailed to: City of Kingsburg, Planning and Development Department, 1401 Draper Street, Kingsburg, CA 93631. Such written comments must be received by September 9, 2019, at 5 p.m. to be considered. For additional information, call Mary Colby at (559) 897-5328.

PLEASE TAKE SPECIAL NOTICE that any person, entity or group who later challenges in court any action taken by the City of Kingsburg or others in connection with these matters may be limited to only those issues raised through the process described in this notice. All interested persons are advised and invited to inform themselves regarding these matters and to present their views before or at the above-listed time at the above-listed place.

Dated: August 26, 2019

CITY OF KINGSBURG

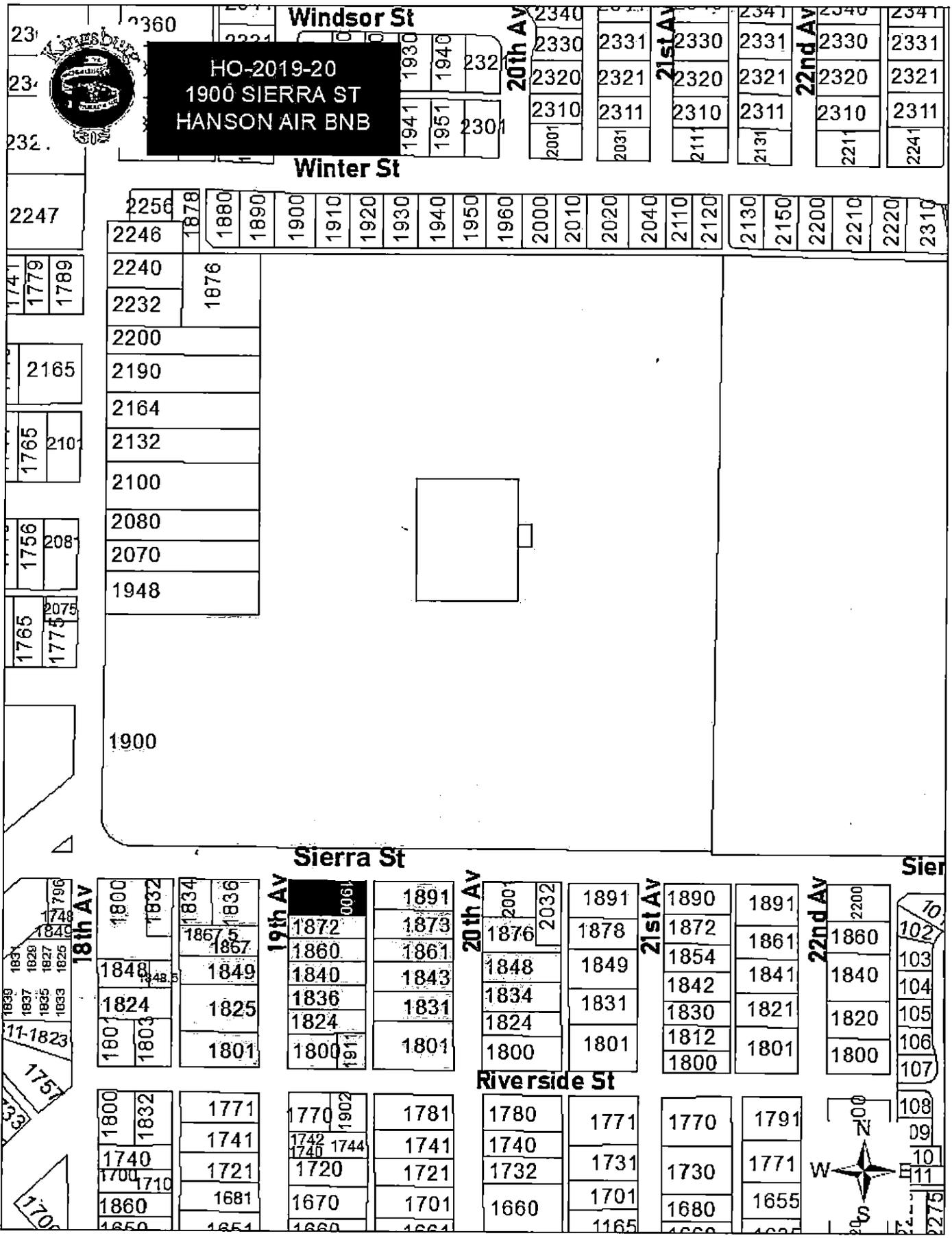
By: /s/ Mary Colby, Planning Secretary

(LOCATION MAP OF PROPOSED HOME OCCUPATION ON REVERSE)





HO-2019-20
1900 SIERRA ST
HANSON AIR BNB



First Name	Kathy
Last Name	Hanson
Phone Number	559-356-0747
Email Address	hansonkathy1900@gmail.com
Address	1900 Sierra Street
City	Kingsburg
State	CA
Zip Code	93631
Business Name/DBA	<i>Field not completed.</i>
Type of Business Proposed for the Residence	AirBnB - Home rental for short stays.
Type of Vehicle Used	none
Where is Vehicle Stored	Driveway
Number of Employees	0
Types & Number of Deliveries	0
Number of Customer Visits to the Residence Per Day	0-4
Description of Sign/Advertisement	none
Do you own or rent the property to be used for Home Occupation?	Yes

If renting, please provide documentation of permission from the homeowner.
If this application does not meet Administrative Approval criteria it will proceed to the Planning Commission for a formal public hearing and approval.

Attached to this application you will find the Application for Business License (see 1401-B-17) and the Zoning Ordinance relating to Home Occupations.

Upon approval a Home Occupation permit will be issued with any additional terms and conditions.

Mary Colby

From: Abigail Palsgaard
Sent: Thursday, August 22, 2019 8:41 AM
To: hansonkathy1900@gmail.com
Cc: Mary Colby; Mike Koch
Subject: FW: Online Form Submittal: Home Occupation Permit

Importance: High

Good morning Kathy,

Thank you for your application. I saw your listing and mailed a letter to you yesterday. According to your pictures and the listing, the rental space is a secondary unit (converted garage) and according to our building records this use was not permitted. Please bring in documentation showing that the conversion was permitted and inspected by our building inspector.

Once we get this information and the payment of \$100 for the home occupation permit we will begin the home occupation permit process. This takes about three weeks and if it is approved once you apply and pay for your business license you can then start renting your unit. I would like to make it clear that you cannot rent the secondary unit until we have the documentation that it is permitted. Recently there was a fire in a converted secondary unit and a citizen was burned. Health and safety of our citizens and visitors is very important to us.

Kind regards,

Abigail Palsgaard, CMC
City Clerk

City of Kingsburg www.cityofkingsburg-ca.gov

1401 Draper Street, Kingsburg, CA 93631

(559) 897-5821 * Fax (559) 897-5568



From: noreply@civicplus.com <noreply@civicplus.com>
Sent: Thursday, August 22, 2019 7:44 AM
To: Abigail Palsgaard <apalsgaard@cityofkingsburg-ca.gov>
Subject: Online Form Submittal: Home Occupation Permit

Home Occupation Permit

City of Kingsburg Application for Home Occupation Permit

The undersigned applicant understands and agrees to the conditions for a Home Occupation application.

Signature	I agree
Date	8/22/2019
17.56.010 Home Occupations	17.56.010 Home Occupations (PDF)

Email not displaying correctly? [View it in your browser.](#)